



Attorney Docket No. : YOR919990183US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re PATENT APPLICATION OF:

Dimitri KANEVSKY et al.

Appln. No. : 09/343,758

Filed : June 30, 1999

For : SYSTEM AND METHOD FOR  
TRANSFERRING INFORMATION  
OVER A NETWORK

Art Unit: 2173

Examiner: Kieu VU

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Commissioner for Patents

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41.20(b)(2)

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Respectfully submitted,

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**APPEAL BRIEF UNDER 37 CFR §41.37(a)**

Appellants have filed a timely Notice of Appeal from the Final Office Action, on March 16, 2005. A single copy of this brief is provided pursuant to 35 U.S.C. §41.37(a). An authorization to charge the appropriate fee is included herewith.

05/19/2005 MAHMED1 00000012 500510 09343758

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**I. Real Party in Interest:**

International Business Machines Corporation is the real party in interest in the above referenced patent application.

**II. Related Appeals and Interferences:**

The appellant is aware of no other appeals or interferences that will directly affect or have a bearing on this appeal.

**III. Status of The Claims:**

Claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 are currently pending.

Claims 6, 22 and 26 – 32 are canceled.

Claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 are currently rejected.

Claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 are the subject of this appeal and are appended hereto in the “Claims Appendix” attached hereto.

No claims have been withdrawn or allowed.

**IV. Status of Amendments:**

All prior amendments have been entered.

**V. Summary of The Claimed Subject Matter:**

***Independent Claim 1***

The invention, as recited by claim 1, is a method of transferring data across a computer network with a quick operating mode. *See, e.g.*, page 5, line 13 – page 8, line 7 of the application with reference to Figure 1, a copy of which is included as Exhibit A in the Evidence Appendix of this Appeal Brief. When data is requested from a remote computer system (claim 1, line 4), *e.g.*, from a web browser request for a web page in step 100, the data is compressed by replacing specific objects within the requested data with generic objects (claim 1, lines 5 – 10 and *see, e.g.*, step 118). “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (*e.g.* forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” Page 4, line 20 – 23 and page 5, lines 3 – 8. Thus, specific “sketches, clip art images, cartoons, commonly used images (*e.g.* forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” are each replaced with general representations of the same thing. So, for example, a herd of 20 cows is replaced with 20 instances of the same cow. As further recited in claim 1, line 2, the generic information (*e.g.*, the cow) may reside in “a database stored on one of said plurality of computers,” *e.g.*, on a server or requesting client computer. *Id.*, lines 8 – 12. The specific objects are species of the generic objects (*e.g.*, the cow, a dog, a cat, a house, a jet, a tree, a big band wave file, a trio wave file and etc.) with which they are replaced. *See, e.g.*, page 9, line 8 – page 10, line 13. The compressed web page is transferred with generic objects substituted for specific objects (claim 1 lines 10 – 11 and steps 118 – 122) and displayed in step 128. *See also, e.g.*, page 8, line 8 – page 9, line 6 of the application with reference to Figure 2, a copy of which is included as Exhibit B in the Evidence Appendix of this Appeal Brief.

***Independent Claim 14***

The invention, as recited by claim 14, is an interface device for connecting to and retrieving data from a remote computer system, e.g., a web browser with a quick operating mode. *See, e.g.*, page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. The interface device can set data transfer constraints, e.g., by estimating traffic 102 or by selecting a quick mode 104, 106. Claim 14, line 3. The interface device can accept requests for data in a remote system, e.g., from server 126. Claim 14, line 4. As recited in claim 14, lines 5 – 8, “each stored generic object correspond[s] to an original object in data requested from said remote computer system, ... [and] each said corresponding original object is a species object of a corresponding said stored generic object... .” In particular, “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. The interface device can substitute generic objects for specific objects in steps 118 – 122. Claim 14, lines 9 – 10. The web page is transferred and displayed in a display 128 with generic objects selectively substituted (as selected by data transfer constraints) for specific objects. Claim 14, lines 11 – 13. *See also, e.g.*, page 8, line 8 – page 9, line 6 of the application with reference to Figure 2.

***Independent Claim 17***

The invention, as recited by claim 17, is a method of compressing images, e.g., in a server for display on a web browser. *See, e.g.*, page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. In steps (a) – (e) generic objects are identified and located in an image. Claim 17 lines 2 – 7. *See, e.g.*, steps 120 and 126 and page 7, lines 16 – 25. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art

images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. The data is compressed in step (f) as generic objects are substituted in the data (“said digital image”) for specific objects, i.e., “object names, position data and characteristics to form a modified digital image, wherein each of said identified objects is a species object of substituted said generic objects... .” *See also*, step 118 in Figure 1 and page 8, line 8 – page 9, line 6 of the application with reference to Figure 2. As recited in step (g) with reference to step 120 of Figure 1, “the modified digital image [is sent] to a client system for display.”

***Independent Claim 18***

The invention, as recited by claim 18, is a method of restoring a compressed image. *See, e.g.*, page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. In step (a) generic objects are identified in an incoming image. *See also*, step 124 and page 7, lines 26 – 29. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. In step (b), incoming data includes specific objects that have been replaced with generic objects. *See, e.g.*, page 9, line 8 – page 10, line 13. The incoming data is decompressed in step (c) as specific objects are re-inserted for generic objects and the complete image is displayed in step (d). *See, e.g.*, page 9, line 20 – page 10, line 2.

***Independent Claim 19***

The invention, as recited by claim 19, is a computer program product for transferring data across a computer network with a quick operating mode. *See, e.g.*, page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. The computer

program product includes code for setting data transfer constraints, e.g., by estimating traffic 102 in Figure 1 or selecting a quick mode 104, 106. Claim 19, line 6. Computer program product code is included for requesting data (e.g., selecting a link on a web page) from a remote system, e.g., server 126 in Figure 1. Claim 19, lines 7 – 8. The computer program product includes code for “identifying at least one object included in said requested data as being associated with a generic object, wherein each said at least one object is a species object of its associated said generic object” as recited in claim 19, lines 9 – 11. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. The computer program product includes code for substituting generic objects for specific objects, e.g., steps 118 – 122. Claim 19, lines 12 – 13. *See also*, e.g., page 8, line 8 – page 9, line 6 of the application with reference to Figure 2.

#### ***Independent Claim 24***

The invention, as recited by claim 24, is method of transferring data across a computer network with a quick operating mode. *See*, e.g., page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. In 102 of Figure 1, data transfer constraints are set for transferring data across the network. Claim 24, line 4, *and see*, page 5, line 19 – page 6, line 2. Data (including image and sound data) is requested from a remote computer system (claim 24, lines 5 – 6), e.g., from a web browser request for a web page in step 100. Specific objects within the requested data are identified with generic objects, e.g., step 118. Claim 24, lines 7 – 8. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile

information for virtual reality environments, wave files, etc.” *Supra*. As further recited in claim 24, line 2, the generic information may reside in “a database stored on one of said plurality of computers,” e.g., on a server or requesting client computer. *Id*, lines 8 – 12. Depending upon data transfer constraints, the requested data is compressed by replacing specific objects with generic objects, where generic objects are species of the generic objects with which they are replaced. *See, e.g.*, page 9, line 8 – page 10, line 13. The compressed data is transferred with generic objects substituted for specific objects (claim 24, lines 11 – 12) in steps 118 – 122 for display in step 128 (claim 24, lines 13 – 15). *See also, e.g.*, page 8, line 8 – page 9, line 6 of the application with reference to Figure 2.

Dependent claim 8 recites that “data transfer constraints include a peak net traffic constraint, a client quick mode constraint, a server quick mode constraint and an importance level.” This is supported by 102 – 108 in Figure 1.

Dependent claim 9 recites that “when said importance level is high, data is transferred from said database and the web browser image is displayed normally.” This is supported by 108 – 110 in Figure 1.

Dependent claim 10 recites that “when peak net traffic is below said peak net traffic constraint, data is transferred from said database and the web browser image is displayed normally.” This is supported by 112 in Figure 1.

### ***Independent Claim 25***

The invention, as recited by claim 25, is a computer program product for transferring data across a computer network with a quick operating mode. *See, e.g.*, page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. The computer program product includes code for setting data transfer constraints, e.g., by estimating traffic 102 in Figure 1 or selecting a quick mode 104, 106. Claim 25, line 6. Computer program product code is included for requesting data from a remote system, e.g., server



126. Claim 25, lines 7 – 8. The computer program product includes code for “identifying at least one object included in said requested data as being associated with a generic object... .” Claim 25, lines 9 – 10. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. The computer program product includes “computer readable program code means for substituting generic objects in a web browser image” in steps 118 – 122 of Figure 1. Claim 25, lines 11 – 13. *See also, e.g.,* page 8, line 8 – page 9, line 6 of the application with reference to Figure 2. In addition, the computer program product can transfer “additional generic objects associated with related images while the web browser image is being displayed” as described on page 7, line 21 – page 8, line 5 with reference to steps 122 – 126. Claim 25, lines 14 – 15. Also as recited in lines 16 – 17, the computer program product includes code for “substituting said additional objects for said related object when a related image is displayed” in step 128 of Figure 1.

***Independent Claim 33***

The invention, as recited by claim 33, is a method of transferring data across a computer network with a quick operating mode. *See, e.g.,* page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. When data is requested from a remote computer system (claim 33, line 4), e.g., from a web browser request for a web page in step 100, the data is compressed by replacing specific objects within the requested data with generic objects (claim 33, lines 5 – 8 and *see, e.g.,* step 118). “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.”

*Supra.* As further recited in claim 33, line 2, the generic information may reside in “a database stored on one of said plurality of computers”, e.g., on a server or requesting client computer. Page 5, lines 8 – 12. The specific objects are species of the generic objects with which they are replaced. *See, e.g.,* page 9, line 8 – page 10, line 13. The compressed data is transferred and displayed with generic objects substituted for specific objects (claim 33 lines 7 – 8 and steps 118 – 122) for display in step 128. *See also, e.g.,* page 8, line 8 – page 9, line 6 of the application with reference to Figure 2.

Dependent claim 5 recites transferring the generic object codes for related images from the remote computer while a compressed web browser image is being viewed as supported by steps 124 – 128 and Figure 2.

Dependent claim 13 recites transferring additional generic objects for related images from the remote computer while the web browser image is being viewed as supported by steps 124 – 128 and Figure 2.

### ***Independent Claim 34***

The invention, as recited by claim 34, is an interface device for connecting to and retrieving data from a remote computer system, e.g., a web browser with a quick operating mode. *See, e.g.,* page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. The interface device sets data transfer constraints, e.g., by estimating traffic 102 or selecting a quick mode 104, 106. Claim 34, line 3. Data may be requested through the interface device from a remote system, e.g., server 126. Claim 34, line 4. Generic information is stored in the interface device wherein “each stored generic object correspond[s] to an original object in data requested from said remote computer system” as recited in claim 34, lines 5 – 6 and, *see* page 5, lines 8 – 12. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for

virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. The interface device can compress data by substituting generic objects for specific objects, e.g., in steps 118 – 122. Claim 34, lines 7 – 8. The compressed data is transferred and displayed in a display 128 with generic objects selectively substituted for specific objects. Claim 34, lines 9 – 11. *See also, e.g.,* page 8, line 8 – page 9, line 6 of the application with reference to Figure 2.

***Independent Claim 35***

The invention, as recited by claim 35, is a method of compressing images, e.g., in a server for display on a web browser. *See, e.g.,* page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. In steps (a) – (e) generic objects are identified and located in an image. Claim 35 lines 2 – 7 and *see, e.g.,* steps 120 and 126 and page 7, lines 16 – 25. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. In step (f), generic objects are substituted for specific objects “in said digital image generic object names, position data and characteristics to form a modified digital image” at lines 8 – 9 and *see, step* 118 in Figure 1. *See also, e.g.,* page 8, line 8 – page 9, line 6 of the application with reference to Figure 2. As recited in step (g) with reference to step 120 of Figure 1, “the modified digital image [is sent] to a client system for display.”

***Independent Claim 36***

The invention, as recited by claim 36, is a method of restoring a compressed image, e.g. in a web browser. *See, e.g.,* page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. In step (a) generic objects are identified in an incoming image, *e.g.,* step 124. Claim 36, line 2. “Generic Information refers to common or

standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. In step (b), incoming data includes specific objects that have been replaced with generic objects *See, e.g.*, page 9, line 8 – page 10, line 13. The incoming data is decompressed in step (c) as specific objects are re-inserted for generic objects and the complete image is displayed in step (d). *See, e.g.*, page 9, line 20 – page 10, line 2.

Dependent claim 10 recites that the generic object codes are contained in a database of such object codes as supported page 5, lines 8 – 12.

***Independent Claim 37***

The invention, as recited by claim 37, is a computer program product for transferring data across a computer network, e.g., to a web browser. *See, e.g.*, page 5, line 13 – page 8, line 7 of the application with reference to Figure 1. The computer program product includes code for setting data transfer constraints, e.g., by estimating traffic 102 or selecting a quick mode 104, 106. Claim 37, line 6. Computer program product code is included for requesting data from a remote system, e.g., server 126. Claim 37, lines 7 – 8. The computer program product includes code for “identifying at least one object included in said requested data as being associated with a generic object...” Claim 37, lines 9 – 10. “Generic Information refers to common or standard Information that usually resides on both a client system and a remote system;” and may include “sketches, clip art images, cartoons, commonly used images (e.g. forests, animals...), melodic sequences, 3-D graphics for virtual reality environments, tactile information for virtual reality environments, wave files, etc.” *Supra*. The computer program product includes code for substituting generic objects for specific objects, e.g., in steps 118 – 122. Claim 37, lines 11 – 12. *See also, e.g.*, page 8, line 8 – page 9, line 6 of the application with reference to Figure 2.

**VI. Grounds of Rejection to Be Reviewed on Appeal:**

1. Claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 are finally rejected under 35 U.S.C. §102(a) over Netscape Navigator 3.0 to James.

**VII. Argument:**

**REJECTION UNDER 35 U.S.C. §102(a)**

**CLAIMS 1 – 5, 7 – 21, 23 – 25 and 33 – 37**

James, *Official Netscape Navigator 3.0 Book, Windows Edition: The Definitive Guide to the World's Most Popular Internet Navigator*, (hereinafter James), 1996 fails to teach the present invention. Displaying a Netscape Navigator web page with images replaced by placeholder icons as taught by James, is not a web page display that is a facsimile of the image being transferred. In particular, James does not teach a web browser wherein specific objects are replaced by generic objects such that the result represents the original with the data content discernable from the representation provided as provided by the interface, method and program product of the present invention as recited in claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37. Therefore, James does not teach the present invention.

“A claim is anticipated only if each and every element **as set forth in the claim** is found, either expressly or inherently described, in a single prior art reference.” (emphasis added) *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “**The identical invention must be shown in as complete detail as is contained in the ... claim.**” (emphasis added) *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

James is a usage guide to an old version of the well known Netscape Navigator. The basis for finally rejecting the present invention is the chapter in James entitled “Graphics, Sound & Video” and, in particular, the description of “Text-Only Mode” at pages 359 – 361 with reference to Figures 8-15 and 8-16, copies of which are included as Exhibit C in the Evidence Appendix of this Appeal Brief. Essentially, James teaches that, one with a slow modem may set a Text-Only Mode in Netscape to block images with all of the images in incoming web pages being replaced by the same placeholder icon. Page 359, lines 17 – 25. While the placeholder icon should be very familiar to anyone familiar with Netscape, an example of a placeholder icon, substantially identical to the 3 placeholder icons on the left side of the example of James Figure 8-16, is included for convenience as Exhibit D in the Evidence Appendix of this Appeal Brief.

Substituting the placeholder icon for every image, regardless of what the image portrays, certainly is not “storing a plurality of generic objects, each stored generic object corresponding to an original object in data requested from said remote computer system” as recited in claims 14 and 34 at lines 5 – 6. Specifically, the placeholder icon of Exhibit D “a species object of its associated said generic object” as recited in claim 1, lines 6 – 7, claim 14, lines 7 – 8, claim 17, lines 9 – 10, claim 18, lines 5 – 6 and claim 19, line 11.

Furthermore, although James does not indicate how the placeholder icon is generated, it is equally clear, that the James placeholder icon is resident in Netscape Navigator and not being supplied independently, e.g., by the originating site. Certainly, when all of the objects are the same single object there is no need for “means for storing a plurality of generic objects” or a “database with a plurality of generic objects” as recited, for example, in claims 14, line 5 and claim 20, lines 3 – 4. Neither is there any reason, when a single placeholder icon is substituted for everything, to transfer “generic object codes associated with related images” as recited in claim 5 or additional such images as recited in claim 13.

While James teaches that for a slow modem connection one can turn of an Auto-Load Graphics option to “bypass graphics altogether” at page 359, line 24; this certainly does not teach that “data transfer constraints include a peak net traffic constraint, a client quick mode constraint, a server quick mode constraint and an importance level” as recited in claim 8. Moreover, James does not teach that, “when said importance level is high, data is transferred from said database and the web browser image is displayed normally” as recited in claim 9. Further, if one had selected to block images based on a slow cable modem as in the James example, then, “peak net traffic [would never fall] below said peak net traffic constraint, [such that] data is transferred from said database and the web browser image is displayed normally” as recited in claim 10.

Instead, James simply teaches that with the Auto-Load Graphics option “turned off, a small icon appears as a placeholder wherever an image is supposed to display.” *Id.*, lines 27 – 29. Thus, James teaches using the same Netscape resident placeholder icon wherever something is missing. “Figure 8-16 shows a web document in text-only mode, with several placeholders for graphics.” *Id.*, 29 – 30. Clearly, the placeholder icons convey nothing more than location and size. While under some circumstances with images blocked, e.g., a web page displaying nothing but cows, the placeholder icon may indeed be substituted for different specific objects of the same genus; that is quite different affirmatively substituting generic objects for different species as recited in claim 1, lines 8 – 9, claim 14, lines 9 – 10, claim 17, lines 8 – 10, claim 19, lines 12 – 13, claim 24, lines 9 – 10, claim 25, lines 11 – 12, claim 33, lines 7 – 8, claim 34, lines 7 – 8, claim 35, lines 8 – 9 and claim 37, lines 11 – 12, or vice versa as recited in claim 18, lines 7 – 8 and claim 36, lines 4 – 5.

Furthermore, while James teaches that upon coming “across a particular document whose graphics you want to view, you can easily display them by clicking the Images button;” it is very clear that one identifies which particular documents those are, not by the placeholder icons, but by displayed text. See, e.g., James Figure 8 – 16. If a

particular web page includes a single image and no text, Netscape 3.0 with imagers blocked displays only the single placeholder icon. All that this conveys is that the page includes something but give no clue to what is included. By contrast, at the very least, the same page displayed according to the present invention would include a generic representation of the omitted image.

Accordingly, the present invention is quite different than, simply, a single small icon that “appears as a placeholder whenever an image is supposed to display.” *Supra*. James does not teach the present invention as recited in any of finally rejected claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37. Therefore, since James does not teach the invention, James does not make the present invention unpatentable under 35 U.S.C. §102(a).

Appellants have previously presented extrinsic evidence that not only has James not anticipated the present invention, but also that the present invention is sorely needed, even more than 5 years after filing the present application. In particular, web shots of a features pages are included for a current dial up Internet accelerator from Juno marked Exhibit E and/or NetZero marked Exhibit F, both provided by United Online, Inc. These services compress images from the originating site before sending the compressed image to reduce data flow to the web browser. While additional performance could be realized by substituting stick figure generic images, for example, for a quick and dirty initial download, selectively followed by the original images, even this has yet to be realized in either of these services. That both services can charge a premium for dial up performance improvements is testament to the failings of just blocking images and replacing blocked images with placeholders as taught in James as well as the importance of improving data transfer efficiency. Clearly, neither Juno nor NetZero nor the present invention as recited in any of claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 are suggested, much less disclosed under 35 U.S.C. §102(a) by simply having a single small icon that “appears as a placeholder whenever an image is supposed to display.” *Supra*.



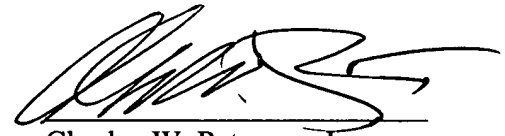
Accordingly, the Appellants respectfully request reversal of the final rejection of claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 under 35 U.S.C. §102(a) over James.

### CONCLUSION

Therefore, because James does not teach the present invention as recited in claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37, James does not anticipate the present invention under 35 U.S.C. §102(a). Accordingly, the final rejection of claims 1 – 5, 7 – 21, 23 – 25 and 33 – 37 over James under 35 U.S.C. §102(a) should be reversed.

Respectfully submitted,

May 16, 2005  
(Date)

  
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## CLAIMS APPENDIX

A copy of the claims involved in the appeal is provided below.

1. A method of transferring data across a computer network, said computer network including a plurality of computers, a database stored on one of said plurality of computers, said method comprising the steps of:
  - requesting transfer of data stored on a remote computer system;
  - identifying at least one object included in said requested data as being associated with a generic object, wherein each said at least one object is a species object of its associated said generic object; and
  - substituting a corresponding said generic object for each said associated at least one object, substituted said corresponding generic objects being transferred with said data before associated objects.
2. A method as in claim 33 wherein said stored data includes image and sound data.
3. A method as in claim 2, wherein image data is requested by a user for display on a web browser, each substituted said generic object being in a compressed web browser image, said method further comprising:
  - displaying said compressed web browser image.
4. A method as in claim 3, wherein the remote computer system identifies generic objects.
5. A method as in claim 4, wherein while the compressed web browser image is being displayed, the remote computer system is transferring generic object codes associated with related images.

7. A method as in claim 24 wherein a requested object is transferred while a corresponding generic object is being displayed and further comprising:  
replacing and displaying each said corresponding generic object with each said requested object when said requested object is received.
8. A method as in claim 7, wherein the data transfer constraints include a peak net traffic constraint, a client quick mode constraint, a server quick mode constraint and an importance level.
9. A method as in claim 8, wherein when said importance level is high, data is transferred from said database and the web browser image is displayed normally.
10. A method as in claim 8, wherein when peak net traffic is below said peak net traffic constraint, data is transferred from said database and the web browser image is displayed normally.
11. A method as in claim 8, wherein when said client quick mode constraint is not selected, data is transferred from said database and the web browser image is displayed normally.
12. A method as in claim 8, wherein when said server quick mode constraint is not selected, data is transferred from said database and the web browser image is displayed normally.
13. A method as in claim 5, wherein while the web browser image is being displayed, the remote computer system is further transferring additional generic objects associated with said related images.

14. An interface device for connecting to and retrieving data from a remote computer system, said interface device comprising:

means for setting data transfer constraints;

means for requesting data from a remote computer system;

means for storing a plurality of generic objects, each stored generic object corresponding to an original object in data requested from said remote computer system, wherein each said corresponding original object is a species object of a corresponding said stored generic object;

means for substituting each stored said generic objects for said corresponding object; and

means for outputting said requested data, said output data selectively including said generic objects or corresponding original objects responsive to said data transfer constraints.

15. The interface device as in claim 34, wherein the outputting means is a video display.

16. The interface device as in claim 34, wherein the interface device is a speaker.

17. A method of compressing digital images, comprising the steps of:

a) identifying objects in a digital image;

b) identifying names of identified objects;

c) identifying a position of identified objects;

d) identifying a position relative to one of said identified objects in the digital image;

e) identifying characteristics of the identified objects;

f) substituting for identified objects in said digital image generic object names, position data and characteristics to form a modified digital image, wherein each of said identified objects is a species object of substituted said generic objects; and,

g) sending the modified digital image to a client system for display.

18. A method of restoring a compressed image comprising the steps of:
- a) identifying generic objects in received image data;
  - b) identifying corresponding objects in subsequently received data, wherein each of said corresponding objects is a species object of an identified one of said generic objects;
  - c) substituting said corresponding objects for said identified generic objects in said received image data to form an uncompressed image; and
  - d) displaying said uncompressed image.

19. A computer program product for transferring data across a computer network including a plurality of computers, a database stored on one of said plurality of computers, said computer program product comprising a computer usable medium having computer readable program code thereon, said computer readable program code comprising:

computer readable program code means for setting data transfer constraints;

computer readable program code means for requesting transfer of data stored on a remote computer system;

computer readable program code means for identifying at least one object included in said requested data as being associated with a generic object, wherein each said at least one object is a species object of its associated said generic object; and

computer readable program code means for substituting a corresponding generic object for each said at least one object responsive to said data transfer constraints.

20. A computer program product as in claim 37, wherein image data is requested by a user for display on a web browser, said generic object being substituted in a web browser image, said computer program product further comprising:

computer readable program code including a database with a plurality of generic objects.

21. A computer program product as in claim 20, further comprising:  
computer readable program code for transferring additional generic objects associated with related images while the web browser image is being displayed.
23. A computer program product as in claim 20, further comprising:  
computer readable program code for transferring a requested object while said corresponding generic object is being displayed and when said requested object is received replacing said corresponding generic object with each said requested object and displaying said each requested object.
24. A method of transferring data across a computer network, said computer network including a plurality of computers, a database stored on one of said plurality of computers, said method comprising the steps of:  
setting data transfer constraints;  
requesting transfer of data, including image and sound data, stored on a remote computer system;  
identifying at least one object included in said requested data as being associated with a generic object;  
substituting a corresponding said generic object for each said at least one object in a web browser image responsive to said data transfer constraints;  
transferring generic object codes associated with related images from said remote computer system; and,  
displaying said web browser image while transferring, wherein when related images are displayed, generic objects associated with said transferred generic object codes are substituted in said displayed related images.
25. A computer program product for transferring data across a computer network including a plurality of computers, a database stored on one of said plurality of computers, said computer program product comprising a computer usable medium

having computer readable program code thereon, said computer readable program code comprising:

computer readable program code means for setting data transfer constraints;

computer readable program code means for requesting transfer of data stored on a remote computer system;

computer readable program code means for identifying at least one object included in said requested data as being associated with a generic object;

computer readable program code means for substituting generic objects in a web browser image for each of said at least one object responsive to said data transfer constraints;

computer readable program code for transferring additional generic objects associated with related images while the web browser image is being displayed; and

computer readable program code for substituting said additional objects for said related object when a related image is displayed.

33. A method of transferring data across a computer network, said computer network including a plurality of computers, a database stored on one of said plurality of computers, said method comprising the steps of:

requesting transfer of data stored on a remote computer system;

identifying at least one object included in said requested data as being associated with a generic object; and

substituting a corresponding said generic object for each said associated at least one object.

34. An interface device for connecting to and retrieving data from a remote computer system, said interface device comprising:

means for setting data transfer constraints;

means for requesting data from a remote computer system;

means for storing a plurality of generic objects, each stored generic object corresponding to an original object in data requested from said remote computer system;

means for substituting said each stored generic object for said corresponding object; and

means for outputting said requested data, said output data selectively including said generic objects or corresponding original objects responsive to said data transfer constraints.

35. A method of compressing digital images, comprising the steps of:

- a) identifying objects in a digital image;
- b) identifying names of identified objects;
- c) identifying a position of identified objects;
- d) identifying a position relative to one of said identified objects in the digital image;
- e) identifying characteristics of the identified objects;
- f) substituting for identified objects in said digital image generic object names, position data and characteristics to form a modified digital image; and,
- g) sending the modified digital image to a client system for display.

36. A method of restoring a compressed image comprising the steps of:

- a) identifying generic objects in received image data;
- b) identifying corresponding objects in subsequently received data;
- c) substituting said corresponding objects for said identified generic objects in said received image data to form an uncompressed image; and
- d) displaying said uncompressed image.

37. A computer program product for transferring data across a computer network including a plurality of computers, a database stored on one of said plurality of computers, said computer program product comprising a computer usable medium



having computer readable program code thereon, said computer readable program code comprising:

computer readable program code means for setting data transfer constraints;

computer readable program code means for requesting transfer of data stored on a remote computer system;

computer readable program code means for identifying at least one object included in said requested data as being associated with a generic object; and

computer readable program code means for substituting a corresponding generic object for each said at least one object responsive to said data transfer constraints.

## EVIDENCE APPENDIX

This section lists evidence submitted pursuant to 35 U.S.C. §§1.130, 1.131, or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this appeal, and provides for each piece of evidence a brief statement setting forth where in the record that evidence was entered by the Examiner. Copies of each piece of evidence are provided as required by 35 U.S.C. §41.37(c)(ix).

<b>Exhibit</b>	<b>EVIDENCE</b>	<b>BRIEF STATEMENT SETTING FORTH WHERE IN THE RECORD THE EVIDENCE WAS ENTERED BY THE EXAMINER</b>
A	Application Figure 1	Originally filed application and with a Submission of Formal Drawings filed with an Amendment filed July 2, 2004
B	Application Figure 2	Originally filed application and with a Submission of Formal Drawings filed with an Amendment filed July 2, 2004
C	James Figures 8-15, 16	Cited by the Examiner in the parent application, January 29, 2003
D	Placeholder icon in James Figure 8-16	Shown in 3 instances of James Figure 8-16, along the left side of the web page, cited by the Examiner in the parent application, January 29, 2003; this particular instance/replica is provided with this brief for clarity
E	Juno Accelerator web page screen shot	Included with an Amendment filed June 30, 2004
F	NetZero Accelerator web page screen shot	Included with an Amendment filed June 30, 2004
G		
H		
I		
J		
K		

EXHIBIT A

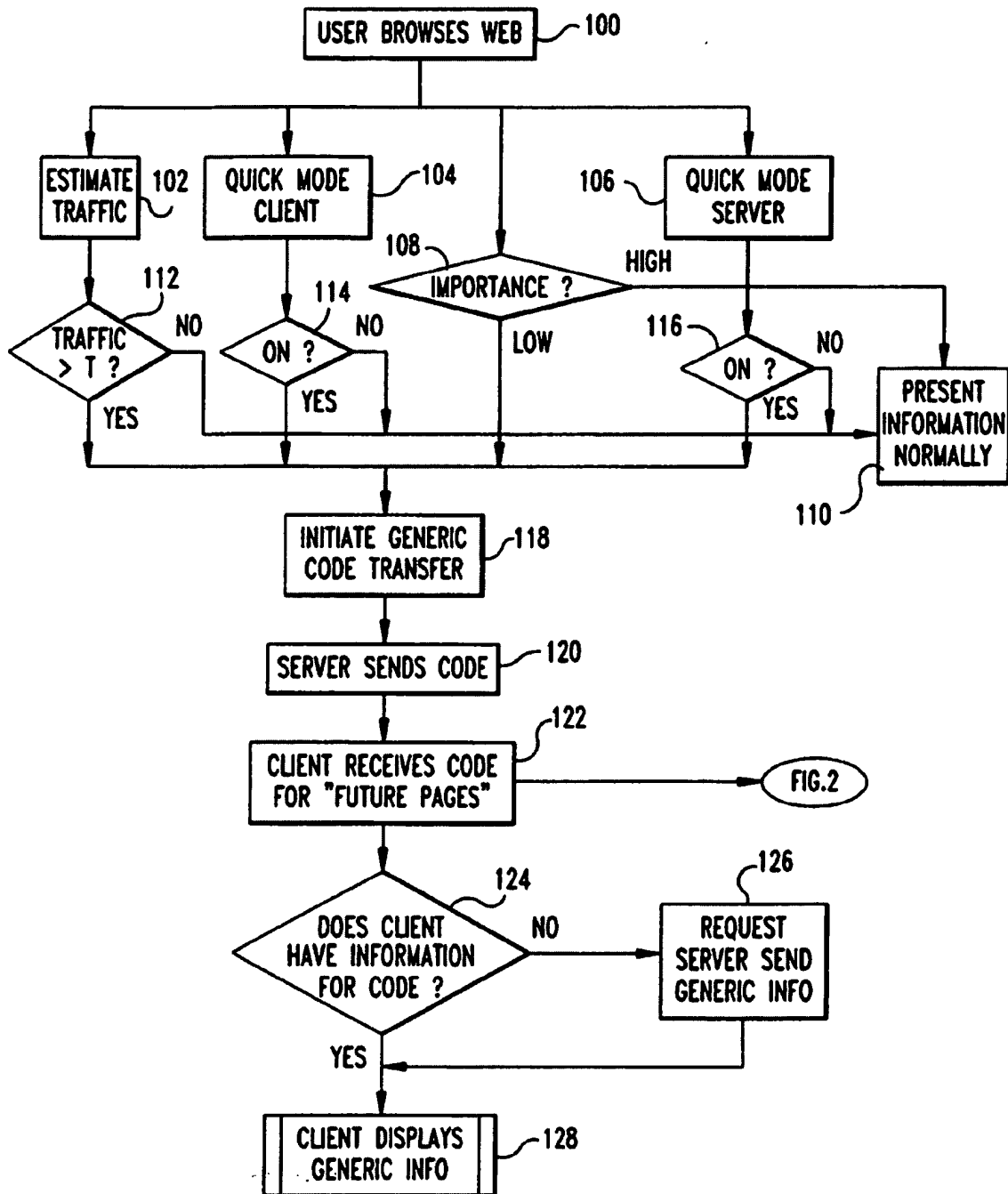
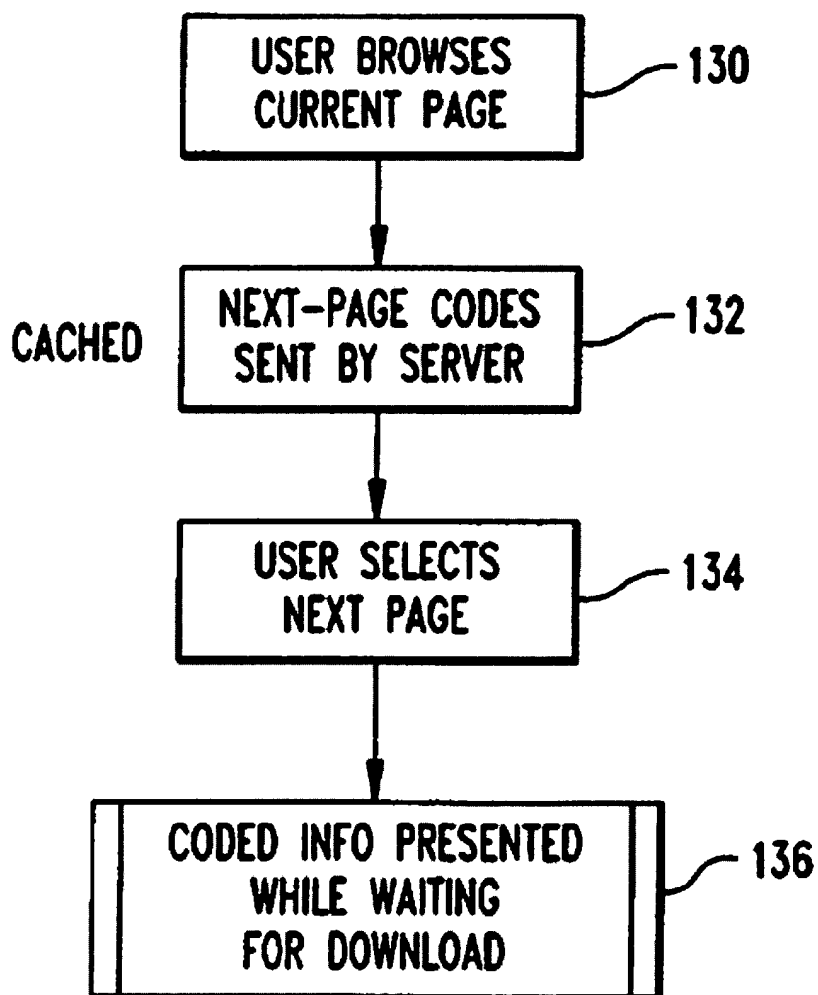


FIG.1

EXHIBIT B

FIG.2



## EXHIBIT C

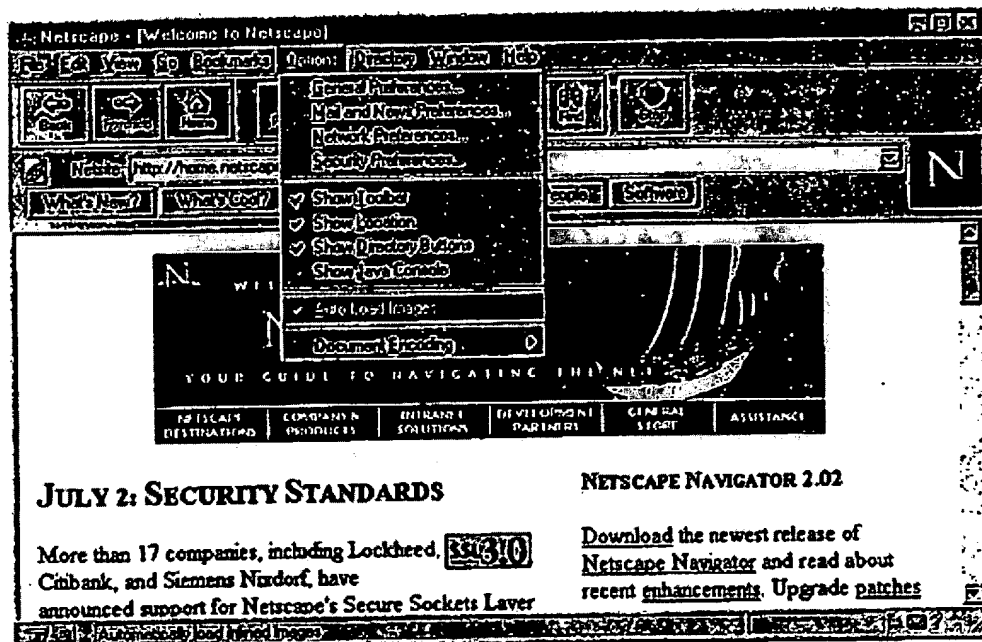


Figure 8-15: The Auto Load Images option.

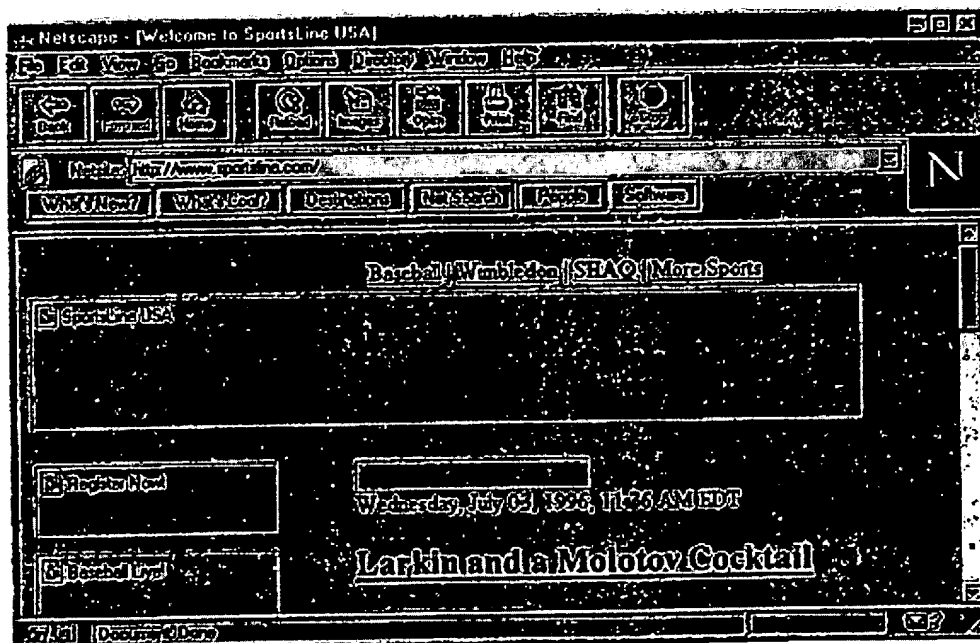



Figure 8-16: A Web page with Auto Load Images turned off.

## EXHIBIT D





## EXHIBIT E



### How Fast is Juno SpeedBand?

Choose a site from the list below to compare load times.

>>  <<

<b>JUNO SpeedBand</b> Includes <b>Platinum</b>	<b>NOW WITH POP-UP BLOCKER!</b>	<b>Standard Dial Up Without Juno SpeedBand</b>
 load time for: <a href="http://www.amazon.com">www.amazon.com</a> <b>0.3 Seconds</b>		 load time for: <a href="http://www.amazon.com">www.amazon.com</a> <b>12.9 Seconds</b>

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Sign Up for Juno SpeedBand

**Surf up to 5x faster™**  
through your existing phone jack!  
**Only \$14.95\*** per month

Juno Platinum \$9.95  
+ Juno SpeedBand \$5.00  
= total \$14.95\* per month

**sign up now! >**

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† Juno SpeedBand does not increase the transmission speed of files or attachments, including music or video. More Details and Limitations.  
\* Additional phone and live tech support charges and usage restrictions may apply. Click here.

#### Juno SpeedBand FAQs

- What is Juno SpeedBand?**

Juno SpeedBand is an exciting new type of dial-up Internet access that accelerates your Web surfing experience using your existing phone jack and modem. Juno SpeedBand INCLUDES the Juno Platinum service and requires NO additional equipment and NO waiting! It is the high-speed surfing solution with the convenience of dial-up.

**NEW!** Juno SpeedBand now includes a pop-up blocker! Surfing the Web is even faster when you're not downloading pop-up ads.

[Click here for more frequently asked questions.](#)
- What gets Accelerated?**

What will be accelerated	What will not be accelerated
Web pages - HTML markup and JavaScript	Streaming media, audio and video files
Graphics including JPEG and GIF images	Secure pages, such as those used for online banking and credit card forms
Text	Files and attachments such as music or digital photos
E-mail on the Web	

[Click here for more frequently asked questions.](#)

<http://www.juno.com/compare/> 6/29/2004

## EXHIBIT E (Continued)

### 3. How does It work?

Before the text and graphics that make up Web pages get sent to your phone line, Juno SpeedBand compresses them using a proprietary technology. Less data is sent so your surfing experience is that much faster! In addition, Juno SpeedBand stores elements of frequently visited Web sites so they load faster on future visits.

[Click here for more frequently asked questions.](#)

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\* Please note that, depending on the numbers you choose, your location, and your calling plan, you may incur long distance or toll charges, your local service charges on your telephone bill. For a list of access numbers and their locations, [click here](#). To find out whether or not you have charges, and if so, the amounts of such charges, please contact your local telephone company. Live telephone technical support is available at \$1.95/min (\$2.95 CDN/min in Canada). You are responsible for all telephone charges and any technical support charges incurred even during discounted periods. You will be charged the applicable subscription fees unless you cancel your service before the end of any free or trial period. Juno reserves the right to impose hourly usage limitations. See Terms of Service for details. Service not available in all areas. Unless otherwise specified, prices are in United States dollars.

† Juno SpeedBand accelerates certain web page text and graphics when compared to standard dial-up Internet service. Actual results may vary. Pages such as secure or encrypted web pages will not be accelerated. Juno SpeedBand is not a broadband service and actual data transmission may not be faster than standard dial-up Internet service. Transmission of files including, without limitation, streaming audio or video, digital photos, other music files, executable files and other downloads, is not faster using Juno SpeedBand than with standard dial-up service. Juno SpeedBand is not compatible with proxy-based software or services such as content filters or firewalls. Juno SpeedBand is only compatible with Platinum specified browsers. Available only for Windows.

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[Anti-Spam](#) | [Anti-Fraud](#) | [Copyright](#) | [Privacy Statement](#) | [Terms of Service](#)

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## EXHIBIT F



### 1. What Is NetZero HiSpeed?

NetZero HiSpeed is an exciting new type of dial-up Internet access that accelerates your Web surfing experience using your existing phone jack and modem. NetZero HiSpeed INCLUDES the NetZero Platinum service and requires NO additional equipment and NO waiting! It is the high-speed surfing solution with the convenience of dial-up.

**NEW!** NetZero HiSpeed now includes a pop-up blocker! Surfing the Web is even faster when you're not downloading pop-up ads.

### 2. What gets Accelerated?

#### What is accelerated

Web pages - HTML markup and JavaScript

Graphics including JPEG and GIF images

Text

E-mail on the Web

#### What is *not* accelerated

Streaming media, audio and video files

Secure pages, such as those used for online banking and credit card forms

Files and attachments such as music or digital photos

### 3. How does It work?

Before the text and graphics that make up Web pages get sent to your phone line, NetZero HiSpeed compresses them using a proprietary technology. Less data is sent so your surfing experience is that much faster! In addition, NetZero HiSpeed stores elements of frequently visited Web sites so they load faster on future visits. And with the NetZero HiSpeed pop-up blocker, you no longer have to wait for annoying pop-up ads to load.

### 4. How fast is NetZero HiSpeed?

With NetZero HiSpeed you can surf up to 5x faster! Click here for a speed comparison of NetZero HiSpeed to standard dial-up.

- More Frequently Asked Questions -





APPEAL BRIEF  
Serial No.: 09/343,758

YOR919990183US1  
May 16, 2005

**RELATED PROCEEDINGS APPENDIX**

Pursuant to 35 U.S.C. §41.37(c)(x), copies of the following decisions rendered by a court of the Board in any proceeding identified above under 35 U.S.C. §41.37(c)(1)(ii) are enclosed herewith. As appellants are aware no decisions or proceedings having a bearing on the present appeal, nothing is included in the Appendix.